UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,292	10/24/2003	Simon Hunt	00-625-F	4135

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EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2445	

MAIL DATE	DELIVERY MODE
11/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td colspan="2">Advisory Action
Before the Filing of an Appeal Brief</td><td>Application No.
10/693,292</td><td>Applicant(s)
HUNT ET AL.</td></tr>
<tr><td colspan="2"></td><td>Examiner
Jeffrey R. Swearingen</td><td>Art Unit
2445</td></tr>
</table>

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 October 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): <u>objection to the drawings</u>.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment: a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-21</u>.

   Claim(s) withdrawn from consideration: <u>22</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure* Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445

Jeffrey R. Swearingen
Examiner
Art Unit: 2445

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20081103

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

Applicant failed to remove the hyperlinks from the specification.

Applicant argues that Jiang failed to disclose determining a pre-set transformation mode associated with the wireless communication link. Jiang, column 3, lines 30-32 teaches that data compression is selected based on the receiving terminal and its capabilities. This is a pre-set transformation mode. Applicant argues that Jiang failed to disclose a pre-set transformation mode based upon user settings. Initially, limitations in the specification cannot be read into the claims. Further, the QoS is "perceived by the users" column 3, line 33, which means that the user has some control over the settings.

Applicant argues that Jiang failed to disclose based on the efficiency with which the client device can process the information content in the first and second data formats, the transmission capabilities of the wireless communicaiton link, and the pre-set transofmation mode associated with the wireless communication link, determining whether to transofrm the information content at the server from the first data format to the second data format. Jiang teaches data transformation, including data compression. column 3, lines 24-28. The capabilities are considered in column 3, lines 28-48.

Applicant argues that Jiang failed to disclose based on the transmission capabilities, determining whether to send the information content to the client device using a proxy server mode or a proxyless mode, and switching between sending the information content to the client device using the proxy server mode or the proxyless mode. Non-compression based upon the context of Jiang is a proxyless mode, and compression is a proxy server mode. Jiang, column 4, lines 46-66.

Applicant argues that Jiang failed to disclose determining an efficiency with which the client device can process information content when the information content is stored in a first data format and when the information content is stored in a second data format, determining an efficiency with which the server can process the information content when the information content is stored in the first data format and when the information content is stored in the second data format, and based on the efficiency with which the client device can process the information content when stored in the first data format and the second data format, the efficiency with which the server can process the information content when stored in the first data format and the second data format, and the transmission capabilities of the wireless communication link used to send the information content from the server to the client device in the first data format or the second data format. Jiang, column 3, lines 21-47 discloses deciding whether to compress data or not based upon the bandwidth available to the terminal. Determining whether to compress is based upon efficiency, and the reduction in image quality is because of the data compression and for efficiency purposes.